

in violation of the Food and Drugs Act as amended. The article was labeled in part: "Half Gallon Net Measure" or "One gallon net measurement."

The article was alleged to be misbranded in that the statements, "Half Gallon Net Measure" and "One gallon net measurement", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On August 22 and September 22, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and the product was ordered destroyed or distributed to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

22947. Misbranding of canned mixed vegetables. U. S. v. 13½ Cases of Canned Mixed Vegetables. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33065. Sample no. 62875-A.)

This case involved a shipment of canned mixed vegetables, the labels of which contained a pictorial representation showing a large variety of vegetables. Examination showed that the product consisted principally of potatoes, carrots, and turnips, the other varieties pictured on the label being present in small amounts or entirely absent. The product was also short weight.

On July 13, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13½ cases of canned mixed vegetables at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about April 13, 1934, by the Torsch-Stevenson Corporation, from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "IGA Brand Mixed Vegetables Contents 1 Lb. 4 Oz. * * * Packed for Independent Grocers Alliance Distributing Co. Chicago, Illinois"; together with a vignette, bearing prominent pictorial representations of corn, celery, cabbage, potatoes, beets, turnips, tomatoes, carrots, an onion, green beans, and peas.

The article was alleged to be misbranded in that it was short weight and was essentially a mixture of potatoes, carrots, and turnips, with smaller quantities of cabbage, corn, tomatoes, celery, green beans, a small amount of peas, and a trace of lima beans and onions.

On August 27, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22948. Misbranding of graham crackers. U. S. v. 15 Cases of Graham Crackers. Default decree of condemnation and forfeiture. Product delivered to a charitable organization. (F. & D. no. 33071. Sample no. 102-B.)

Sample packages of graham crackers taken from the shipment involved in this case were found to contain less than 1 pound, the weight declared on the label. The label on the product also contained unwarranted health and therapeutic claims.

On July 23, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of graham crackers at Denver, Colo., consigned by the Davidson Biscuit Co., Mount Vernon, Ill., alleging that the article had been shipped in interstate commerce on or about July 3, 1934, from Mount Vernon, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "All Crisp Graham Crackers Sunalized Healthful Delicious Economical. Made with Milk and Honey. Tested and Approved. Contains Certified Vitamin D. All Crisp Graham Crackers Are Sunalized Containing Just the Right Proportion of Vitamin D in the formula * * * Healthful and Nourishing. Net Weight 1 Lb. Illinois Distributing Co., Mt. Vernon, Illinois."

The article was alleged to be misbranded in that the statement on the label, "Net weight 1 lb.", was false and misleading and tended to deceive and mislead the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, "Sunalized", "Containing just the right proportion of Vitamin D